

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 21, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Deb Scott of IABR, Brad Klopfenstein of ILBA and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 7, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the August 21, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL43-22895 FREEDOM OIL, LLC – Hearing Judge Choe requested the Commission remand this application to the local board for further investigation.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and remand this application. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred ninety-one (291) renewals approved, sixty (60) new and/or transfer permits approved, ten (10) permits approved for catering, four (4) permits approved for second year escrow and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-22171 MARIA DE JESUS JIMENEZ - Commissioner Guthrie stated the owner does not qualify for this permit because she is not a United States citizen.

Commissioner Guthrie moved to revoke this permit and make it inactive. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

MACHU PICCHOU, INC. – Chairman Heath noted there is a request by this corporation to file for a new permit.

Commissioner Guthrie stated the owner of this corporation has a past history with the Commission. The owner held a permit and submitted a bad check for the renewal fee and also had unpaid violations against the permit. Instead of making good on that check, a new application was filed, with another bad check. Both of these permits were made inactive. The owner again filed a new application, but per direction by Chairman Heath, the application was returned. The applicant has submitted a letter requesting the Commission allow a new application to be filed.

Commissioner Guthrie moved to deny the request, based on past history of this applicant. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL75-23298 RMD MARKETING LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated there were no statutory grounds listed to support a denial of this new permit.

Commissioner Guthrie moved to overturn the local board and approve this new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR79-21615 VEBA, INC., D/B/A KLONDIKE PIZZA & PUB – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated that this permittee had past violations and was supposed to appear before the local board; however, the permittee did not appear.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC71-03146 CALVERT ROD & GUN CLUB, INC. - Chairman Heath stated the permittee requests the Commission convert this type 211-1 permit to a type 210 permit.

Commissioner Guthrie moved to approve this conversion. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL02-90101 SPEEDWAY SUPERAMERICA, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL41-23092 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie moved to table this because the commission has not received the digital recording from the local board meeting and the local board members did not list a reason for recommending denial. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make seventeen (17) permits inactive. Five (5) permits are subject to auction and twelve (12) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

RR06-22361 ZIONSVILLE PUB ENTERPRISES, INC. – Commissioner Guthrie stated this permit was declared inactive because the permittee did not respond to any correspondence from this office, did not file renewals and did not clear the tax protest against this permit. A request has been made to reactivate this permit.

Commissioner Guthrie moved to deny this request due to past history of this permittee. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER